

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CORNWALL MANAGEMENT LTD and OLEG
SOLOVIEV a/k/a OLEG VALENTINOVICH
SOLOVIEV,

Plaintiffs,

-against-

THOR UNITED CORP. a/k/a THOR UNITED
CORPORATION, JOHN DOE THOR
ENTITIES, ATLANTA CAPITAL HOLDINGS,
LLC, OLEG BATRACHENKO a/k/a
O.V.BATRACHENKOV, PETER KAMBOLIN,
NORTH 3RD DEVELOPMENT, LLC, and
ABRAHAM BENNUN

Defendants.

12 CIV 08551 (LLS)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Motion to Dismiss the Amended Complaint, dated March 13, 2013; the annexed Declaration of Renee M. Zaytsev, dated March 13, 2013, and the exhibits thereto; and upon all pleadings and proceedings had herein, defendants Abraham Bennun and North 3rd Development, LLC will move this Court before the Honorable Louis L. Stanton, United States District Judge at the United States Courthouse, 500 Pearl Street, New York, New York 10007 on a date and time to be set by the Court, for an Order dismissing the Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b), and for such other and further relief as the Court deems just and proper.

Dated: New York, New York
March 13, 2013

OLSHAN FROME WOLOSKY LLP

By: /s/ Renee M. Zaytsev
Thomas J. Fleming
Renee M. Zaytsev
Attorneys for Defendants
Abraham Bennun and North 3rd
Development, LLC
Park Avenue Tower
65 East 55th Street
New York, New York 10022
(212) 451-2300